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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**
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13 LAMBDA LABS, INC.,

14 Plaintiff,

15 v.

16 LAMBDA, INC.,

17 Defendant.
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Case No. 4:19-cv-04060-JST (TSH)

**DECLARATION OF KARINEH
KHACHATOURIAN IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL ECF
NO. 222-4**

I, Karineh Khachatourian, declare as follows:

1. I am a partner with the law firm of Rimon, P.C., and am lead counsel for Defendant Lambda Inc. (“Lambda School” or “School”) in the above referenced matter. I submit this declaration to support the sealing of School’s confidential information in a document filed by Lambda Labs, Inc. (“Labs”) (ECF No. 222-4). I have personal knowledge of the matters set forth herein except as to those matters set forth on information and belief, and as to those I am informed and believe them to be true and could and would competently testify thereto. In making this declaration, it is not my intention, nor the intention of Lambda School, to waive the attorney-client privilege, the attorney-work product immunity, or any other applicable privilege.

2. I have reviewed Labs’ Letter Brief Regarding Lambda’s Motion to Compel Lambda School Financial Information (ECF Nos. 191, 212 and 216) (“Letter Brief”) (ECF No. 223; ECF No. 222-4) that Plaintiff has sought to be sealed. I have also discussed the contents with the relevant stakeholders at Lambda School.

3. Based on my review, and my discussions with Lambda School, I believe there is good cause to seal the portions of Plaintiff’s Letter Brief. I have confirmed with Lambda School that it maintains the below information as confidential, and designated the contents of the referenced documents as “Highly-Confidential-Attorneys-Eyes Only” pursuant to the terms of the Protective Order entered in this case.

Identification of Portions to be Sealed	Basis for Sealing
Letter Brief Regarding Lambda’s Motion to Compel Lambda School Financial Information (ECF Nos. 191, 212 and 216), ECF No. 222-4 Page 1, ¶ 4	This section contains confidential business information related to School’s programs and profitability. School believes that public disclosure of this information, true or not, could negatively affect School’s business because it may provide financial characterizations of its programs that could assist competitors to compete for its student customers, or interfere with its business plan and thereby gain a competitive advantage in the marketplace. See <i>Finisar Corp. v. Nisitca, Inc.</i> , No. 13-cv03345-BLF (JSC), 2015 WL 3988132 (N.D. Cal. June 30, 2015). Since School is a private company, it is unaware of a reason the public should have access to this information.

4. Lambda School's sealing request is narrowly tailored. Specifically, Lambda School seeks to seal less than one sentence of Lambda Labs' Letter Brief that rises to the level of confidential business information. Courts in this District have recognized that this type of information should be filed under seal, as injury may result from the disclosure of confidential and proprietary business information. See *Finisar Corp. v. Nisitca, Inc.*, No. 13-cv-03345-BLF (JSC), 2015 WL 3988132 (N.D. Cal. June 30, 2015). After reviewing the additional proposed redactions, School does not believe it is necessary that they be sealed.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 2nd day of April, 2021, at Palo Alto, California.

/s/ Karineh Khachatourian
Karineh Khachatourian